

REMARKS

The present application includes claims 1-20 and 22-24. Claim 1 was amended to add a missing semi-colon. This amendment does not have any effect on patentability and is a purely cosmetic change.

Interview summary (including the general thrust of the principal arguments)

In the telephonic interview of May 4, 2006, Applicant's agent, Yaakov Schatz, described the general concept which was intended to be covered by the claims. This includes using both a communication network and audio transmission or acoustic waves in communication between a computer and a personal communicator. Applicant's agent then discussed why Derks does not anticipate claim 1, explaining the concept of using acoustic waves for communicating between a personal communicator and a computer. The Examiner pointed out that use of acoustic waves for communication requires proximity between the personal communicator and the computer. Mark and Layson were also discussed briefly, Marks as relating only to use of acoustic waves and Layson as relating only to use of a communication network. The supervisor stated that applicant's point was understood and that the application would be re-examined in view of this understanding. No amendments were proposed.

Independent claim 1

Claims 1-8, 19-20 and 22-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Derks et al., (U.S. patent 6,021,119) in view of Layson (U.S. patent 5,731,757).

Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* case of obviousness, since at least one limitation of claim 1 is not taught by Derks or by Layson.

Claim 1 requires transmitting an acoustic wave from the personal communicator to the computer and receiving the wave via a microphone. As discussed in the telephonic interview of May 4, 2006 and as presented in length in applicant's previous response, Derks does not teach or suggest receiving an acoustic wave via a microphone. In Derks, the microphone is used to convert a sound, generated by a user into electromagnetic signals, as the signals in Derks are passed over a phone line referred to as audio link 84. That audio link 84 is a telephone line is specifically shown in Fig. 1 in block 86 and stated in col. 4, lines 54-56. As is well known in the art, phone lines do not carry acoustic waves that are eventually received by a microphone, but rather transfer electromagnetic signals to a modem or other network interface of a computer. Furthermore, the

emphasis that wireless remote system 23 of Derks is geographically separated from central location 21 (col. 4, line 28 and col. 2, line 46) clearly implies that the audio signals of Derks collected by the microphone of remote system 23 are not transferred to a microphone of the central computer as acoustic waves, since audio signals do not normally propagate between geographically separate locations.

Layson also does not teach this limitation. As can be seen in Fig. 1, nowhere are the communications between tracking device 12, body worn device 20 and network cell site 26 suggested as including use of acoustic waves. The only use of audio waves in Layson that applicants could identify is for communicating with a human.

The dependent claims are patentable at least because they depend on an allowable base claim.

Independent claim 9

Claims 9-18 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Derks et al., (U.S. patent 6,021,119) in view of Mark (U.S. patent 5,583,933). Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* case of obviousness, since at least one limitation of claim 9 is not taught by either of the cited references.

Claim 9 requires transmitting authentication signals over a closed loop including an audio transmission section in a first direction between the sound receiving-and-generating sub-system of the computer and the personal communicator, and a section over the communication network in an opposite direction.

As discussed in the telephonic interview, neither of Derks and Mark teaches using a communication network for communicating in one direction and an audio transmission section for the other direction. Derks uses the phone line for communication in both directions and does not teach or suggest using different transmission sections for the different directions.

Mark suggests dialing and authenticating using a smart card. In Mark, the auto-dialer is capable of transmitting and receiving information over telephone lines using DTMF tones, without the need for a specialized interface other than a standard telephone (col. 5, lines 46-56). Mark only uses another input interface for programming the auto-dialer, possibly at the time of manufacture (col. 6, lines 20-25).

Thus, neither of the cited references teaches or suggests using an audio transmission section in a first direction and a communication network section in an opposite direction. In order

to support an obviousness rejection, the Examiner must provide reasoning why use of these two different types of communication sections for the closed loop communications is desirable. Particularly, if a communication network section is available, why should audio transmission be used. It is noted that, as mentioned above, Mark is particularly directed for transmission when a specialized interface is not available.

The dependent claims are patentable at least because they depend on an allowable base claim.

Conclusion

In view of the above remarks, applicant submits that the claims are patentable over the prior art. Allowance of the application is respectfully awaited. If, however, the Examiner is not convinced and the Examiner is of the opinion that a telephone conversation may forward the present application toward allowance or if the Examiner requires any clarification regarding the claims, applicant respectfully requests that the Examiner call Yaakov SCHATZ at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,
A. ATSMON

Yaakov Schatz
Yaakov Schatz
Reg. No. 44,320

May 15, 2006

William H. Dippert, Esq.
Wolf, Block, Schorr & Solis-Cohen LLP
250 Park Avenue
New York, NY 10177